

APPROVED: Meeting No. 25-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 16-84

June 4, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, June 4, 1984, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams  
(left at 11:00 p.m.)

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;  
City Clerk Helen M. Heneghan

Re: City Manager's Report

Mr. Blick reported the following:

1. He introduced the new Director of Finance, Mary Parker, who comes to the City from the position of Finance Director in St. Joseph, Missouri, and before that Finance Director in Chapel Hill, North Carolina.

2. Lt. Governor Curran met with the Youth Service Coordinators in the state and was quite impressed with the outreach program in Rockville. He will visit the City Wednesday at 12:30 to look more closely at the City's program which he considers to be a model for the State.

Mayor Freeland noted that this morning at 11:30 a groundbreaking took place which is the beginning of the opening of the Mall to a sixty foot roadway. In

the future it will be two separate buildings and will house the headquarters of Tribune United. At the present time the building is only 1/3 leased.

Re: Appointments

Mayor Freeland nominated Peter Hartogensis to fill the unexpired term of Lewis Dale on the Planning Commission.

Councilman Duncan moved, duly seconded by Councilman Tyner, to appoint Mr. Peter Hartogensis to the Planning Commission with his term to expire January 1985.

Councilman Tyner stated that he has a good deal of regard for Mr. Hartogensis and is delighted he applied for the vacancy since he is extremely well qualified. Mr. Tyner noted that the appointment this evening is being made within nine days of the advertisement appearing in the paper and he would prefer to wait since there may be other applicants. Councilman Abrams said he can understand Councilman Tyner's concern however this is to fill an unexpired term until next January and to wait too long would negate the need of an appointment being made. At the present time the Planning Commission has a pressing load of business and is anxious to get on with it.

Councilwoman Hovsepien said she has a problem with this appointment. since there are a lot of people qualified and it is not a good idea to continue the same people. New people come into the City all the time. She added that she does not consider it an interim appointment since Mr. Hartogensis will probably be looking for an extension come January. Councilman Abrams said this is one of the most important commissions in the City and he would not like to leave the impression that it should be a training ground for new people nor should the Mayor and Council disqualify others who have served the City. He takes a lot more comfort in appointing someone who has either demonstrated unusual

qualifications or demonstrated through years of service the understanding of problems in the City.

Councilman Tyner said he has another problem with Mr. Hartogensis' appointment since he would prefer to see a better geographic spread among the members since this will put four of the five commissioners within a quarter mile of each other. He would also prefer to wait. Councilman Duncan said he has no problem with the geography since two years ago three members of the Mayor and Council were associated with the Twinbrook neighborhood and would prefer that the Planning Commission looks at the City as a whole and not from a regional bias. Councilman Tyner reiterated his concerns. However the points have been well made and it is his feelings that all appointments should have full Council support. Since this is an interim appointment and he has a good deal of respect for Mr. Hartogensis he will support the appointment. However he asked that the Council note that he will have strong concerns in the future as to all appointments.

Mayor Freeland stated it is his intention to always put well qualified people before the Council for appointment and he has in the past urged the Council to solicit good people for boards and commissions since the key to the City's strength is in its boards, commission and committees, those people who serve on their own time. He would not have nominated Mr. Hartogensis if he did not feel that he were qualified or if he felt in waiting he would find someone better.

Councilman Duncan's motion was passed unanimously.

Mayor Freeland nominated John Moser to a three year term on the Cultural Arts Commission. The appointment was confirmed by the Council.

Mayor Freeland nominated Nancy Hewitt to the Energy Commission for a two year term. The appointment was confirmed by the Council.

## Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Gerald Williams of the First Baptist Church on Adclare Road. Mr. Williams told the Council that the church has a membership of 1,200 people. The expansion of I-270 seriously affects the church's operation. They were not contacted when the City and County met with State Highway Administration to discuss the widening. The alternative widening has shifted the road and causes a serious impact on the property. Mayor Freeland said at the present time the State is dealing with concepts. There will be many opportunities to deal with them as the plans for the road progresses. However, the State has powers that the City cannot overturn.

2. Elaine Goldberg, 719 Harrington Road. Mrs. Goldberg told the Council that the Public Advisory Commission on Education is establishing a task force on the feasibility of special programs. She asked Councilman Abrams if he would be part of that task force as the City's representative to be made up of representatives of high school, business community and Montgomery County schools. Councilman Abrams accepted the appointment.

3. Darrell Longest, Rockville Christian Church and Rockville Nursing Home a neighbor of the Baptist Church. Mr. Longest addressed the Mayor and Council regarding the I-270 issue. He said he met on May 29 with the project engineer at the site. The decision has been made to shift the road and will stay that way unless the Mayor and Council and the Transportation sub-committee of the Montgomery County Council ask the State to change it. He said the shift in the road takes an additional fifteen feet from the Church's property and in the beginning it was built with HUD money and built to HUD specifications which called for a two-way right of way according to State law. That will be removed when the road is widened. Sound barriers will be 16 feet from the windows and

seven trees that are over 75 years old will be lost. The shift, in fact, hampers the safety of 150 people. He specifically requests that the City ask the State to reconsider the decision of taking 35 feet instead of 20 feet. Mayor Freeland thanked Mr. Longest for his statement and he asked for any information he might have on the safety factors so that the staff can work with the State. He explained to Mr. Longest that it is obvious a compromise is needed all along that corridor.

4. Regina McAndrews, 208 West Montgomery Avenue. Mrs. McAndrew told the Mayor and Council that she is concerned with all the items that Councilman Tyner brought up this evening. She said there was no urgency in tonight's appointment and no need for the Mayor and Council to make it. There are many other qualified people who could be selected. At the present time Mr. Hartogensis is on the Board of Appeals. She said the entire discussion reflects poorly on Mr. Hartogensis.

5. Mr. Longest, Chairman of the Board of the Rockville Church and the Board of Trustees. Mr. Longest told the Mayor and Council that he supports the former speakers, concerned with the widening of I-270.

6. Stephen Fisher, 1014 Neal Drive. Mr. Fisher presented materials to the Council that were sent by Delegate Gordon. It is the Quick Reader Review from Annapolis and the report of the Chairman of the House Appropriations Committee and the Senate Budget and Task Committee.

There being no other citizen wishing to address the Mayor and Council the Citizen's Forum portion of the meeting was closed.

Re: Public Hearing: Proposed Operating Budget for FY85, Proposed CIP FY 85-90, Intent to Raise the Tax Rate above the Constant Yield Tax Rate, and Proposed Use of General Revenue Sharing Funds

The Mayor and Council continued the public hearing on the proposed operating budget for FY 85, the proposed CIP FY 85-90, the Intent to Raise the Tax Rate above the Constant Yield Tax Rate and the proposed use of general revenue sharing funds, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held opened until Saturday, June 9.

Re: Decisions and Instructions to Staff: Map Amendment Application, M-38-84, Michael Friedman, Applicant, request to rezone 206 Monroe Street from R-60 Residential to O-2, Office Zone

Re: Decisions and Instructions to Staff: Map Amendment Application, M-39-84, Michael Friedman, Applicant, request to rezone 204 Monroe Street from R-60 Residential to O-2 Office Zone

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Map Amendment Applications, M-38-84 and M-39-84.

June 4, 1984

Re: Introduction of  
Ordinance: To levy  
Assessments -  
Driveway Aprons  
various locations,  
Project No. 030112

On motion of Councilman Abrams, there was introduced upon the table an ordinance levying Assessments - Driveway Aprons various locations, Project No. 030112, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of  
Ordinance: To Levy  
Assessments - Water  
and Sewer Mains and  
laterals in New Mark  
Commons Subdivision -  
Project No. 020332  
Water and 020442  
Sewer

On motion of Councilman Duncan, there was introduced upon the table an ordinance Levying Assessments - Water and Sewer Mains and laterals in New Mark Commons Subdivision - Project No. 020332 Water and 020442 Sewer, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of  
Ordinance: To levy  
assessments - water  
and sewer mains and  
laterals in Flint  
Ledge Subdivision  
Project No. 030132  
Water and 030142  
Sewer

On motion of Councilman Abrams, there was introduced upon the table an ordinance levy assessments - water and sewer mains and laterals in Flint Ledge Subdivision Project No. 030132 Water and 030142 Sewer, said ordinance to lay over at least one week before final action is taken.

June 4, 1984

Re: Introduction of  
Ordinance: To Levy  
Assessments Water and  
Sewer Mains and  
Laterals in Orchard  
Ridge 1-B subdivison  
Project No. 000932 Water  
and 000942 Sewer

On motion of Councilman Duncan, there was introduced upon the table an ordinance levying Assessments Water and Sewer Mains and Laterals in Orchard Ridge 1-B subdivison Project No. 000932 Water and 000942 Sewer, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of  
Ordinance; To levy  
assessments - Water  
and Sewer Mains and  
Laterals in College  
Square Square  
Subdivision (Plat  
13764) Project No.  
021132, 020532,  
020632, water and  
021142, 020542,  
020642 Sewer.

On motion of Councilwoman Hovsepien, there was introduced upon the table an ordinance levy assessments - Water and Sewer Mains and Laterals in College Square Square Subdivision (Plat 13764) Project No. 021132, 020532, 020632, water and 021142, 020542, 020642 Sewer, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of  
Ordinance: To amend  
Section 11-1.02a of  
Chapter 11, entitled  
Traffic, Vehicles and  
Transportation, by  
adding a new  
paragraph 17 to  
prohibit parking in  
areas behind the curb  
and drainage areas.

On motion of Councilman Duncan, there was introduced upon the table an ordinance amending Section 11-1.02a of Chapter 11, entitled Traffic, Vehicles



and Transportation, by adding a new paragraph 17 to prohibit parking in areas behind the curb and drainage areas, said ordinance to lay over at least one week before final action is taken.

Re: Cancellation of  
Invitation to Bid No.  
54-84, Municipal  
Billing System

The request for proposal No. 54-84 was issued for the purpose of selecting a Municipal Billing System to perform Water, Sewer, Refuse, and other types of billing.

One proposal in the amount of \$185,600.00 was received from Western Data Company, the City estimate for the project was approximately \$30,000.00

Western Data Company's proposal is unfair and unreasonable. The Company's proposal was more than five times that estimated for the cost of the system. The Finance Department verified the estimated cost by randomly contacting three other firms offering similar utility billing systems. The estimated range of prices was between \$20,000 and \$35,000 for a "Basic" system with minor modifications.

In addition, the Finance Department contracted several users of the Western Date System. Those users confirmed that the "Basic" Western Data System with minor modifications cost between \$60,000 and \$80,000. Western Data's prices are among the most expensive in the marketplace. It is expected that a new solicitation process will obtain better pricing.

The Finance Department also determined that there are changes needed in the specifications to clarify those items "required" by the City and those items "desired" by the City (i.e. optional). The purpose of the changes is to obtain a "basic" system meeting the minimum needs of the City while allowing the possibility of obtaining a more expanded system within a reasonable cost. Items

which are designated "desirable" will allow the City the flexibility of negotiating a price to a more reasonable cost.

As a result of confirming Western Data's proposal cost as unfair and unreasonable, and confirming deficiencies in the original request for proposal, it is hereby determined to reject the Western Data Proposal.

It is estimated that more reasonable pricing and additional proposals will be received in response to a new solicitation. The Finance Department has identified several companies who were unaware of the original solicitation. Changes will be made in the specifications and a longer "opening" time will be provided for companies to respond to the solicitation. Finally, a more convenient time for a pre-proposal conference will be offered.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 54-84, for Municipal Billing System was rejected by the Mayor and Council.

Re: Award of Bid No. 56-  
84, Electric Cables  
at Water Treatment  
Plant

The above referenced bid was issued to obtain the services of a company to remove and replace electrical cables at the Water Treatment Plant. The new cables have been purchased separately.

A cable failure in one of the three lines servicing the river intake pumps required repair by July 1 - the beginning of our highest production period.

It was determined to be in the City's best interest to buy the cables separately and contract for the installation. The cables were bought on low bid of \$14,160 from General Electric Wire and Cable Company.

The bids were opened at 3:00 p.m. on May 17, 1984, in the Mayor and Council Chambers. Three bids were received:

Jack Stone Electrical Construction, Inc., Landover, MD	\$32,940
Fleetwood Testing Company, Vienna, Virginia	33,875
M.C. Dean Electrical Contracting, Inc.	46,900

Engineer's Estimate

\$40-42,000

Low bid approximately 17% lower than the estimate.

The contract officer researched Jack Stone Electric and confirms their qualification and reliability to satisfactorily perform and complete this work.

Based on the previously referenced information, it is hereby recommended that award be made to Jack Stone Electric in the amount of \$32,940.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 56-84, was awarded to Jack Stone in the amount of \$32,940.

Re: Approval of Testimony  
on County Solid Waste  
Tipping Fee

Before the Mayor and Council is draft testimony for approval for two public hearings before the Montgomery County Council regarding solid waste disposal.

The first testimony is for a hearing regarding proposed amendments to the 10 year Solid Waste Management Plan which the County is required to file with the State of Maryland. The amendments would: a) delete reference to Out-of-County disposal as one of the proposed alternatives being studied; and b) add a new 18 month study in which all of the alternative disposal systems considered over the past ten years will be re-examined in light of present knowledge with a goal of arriving at a "best available" solution. The City's request that the County re-study the balefill option is included as part of this new plan.

The second testimony is for a hearing regarding the proposed three dollar increase in the tipping fee. This testimony opposes the increase on the grounds that it penalizes users of the disposal system for the lack of a sound solid waste management policy. The testimony argues that the General Fund should contribute a larger share of the revenues for solid waste disposal while retaining the tipping fee at its current level of \$31 per ton.

The Council discussed the testimony at length. Councilman Abrams suggested the City incorporate prior testimony on these matters. Councilman Tyner said a

short and simple testimony would have more impact. Councilwoman Hovsepien noted that Mr. Menke spoke at the MML meeting, and explained how the Council should be pushed to make a decision and she too was opposed to the tipping fee increase.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council approved the testimony.

Re: Award of Bid No. 40-  
84, Vehicle  
Replacement

As part of the Vehicle Replacement Program, Bid No. 40-84 was opened on May 16, 1984, at 3 p.m. The purpose of this bid is to provide vehicles for those units scheduled for replacement.

The tabulation of the bid is as follows with low bid shown first and progressing to the high bid.

Vendor	Base Bid	Options	Total Bid
Steuart Ford Lanham, Maryland	\$23,850.00	\$2,100.00	\$25,950.00
Century Ford Rockville, Maryland	\$23,730.00	\$2,394.00	\$26,144.00
Hill & Sanders Ford Wheaton, Maryland	\$25,242.00	\$2,229.00	\$28,214.00

There are sufficient funds provided in the Vehicle Replacement Fund for these replacements.

Staff recommends the award to Steuart Ford in the amount of \$25,950.00 for replacement of three (3) four door compact sedans.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 40-84, was awarded to Steuart Ford in the amount of \$25,950.00. Councilman Tyner asked where the old vehicles go. The City Manager explained that they are passed down to construction inspectors and then the old cars are sold.

## Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Madeline Coakley, re Ride-On
2. Andrew Rein, complimenting City employee with program
3. Robert Metz, Linowes and Blocher, re Washingtonian Center

Councilwoman Hovsepien noted that these people have filed their MXPDP application. Councilman Tyner asked for a staff update and the Mayor said the Council will have to wait until after August for Task Force materials. They are still looking to funding of the facilities, having them in place more than just a number in a book in the future when the permits are issued.

4. R. Weirich, Peerless Rockville, re thankyou
5. James McFall, re reuse of Congressional Elementary School

## Re: Information Items

1. Status of Public/Private Partnership Projects  
Letter to RM regarding same
2. Letter from CIUL announcing Mr. Hobb's selection for German Exchange Program
3. Status Report on Ritchie Parkway bridge and Falls Road interchange
4. Information on parking at bus stop
5. Bulletin on garage operation
6. WECA Newsletter
7. Project report on CDHA department

## Re: New Business

1. Resolution No. 22-84

Mr. Glasgow presented a resolution to the Council for adoption. The resolution confirms all the points previously agreed to by the Council and the developer at prior meetings. It simply puts it into proper context.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 22-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, approving the amendments to the Mall agreement was adopted by the Mayor and Council.

2. Councilman Tyner noted that the Fraternal Order of Police (FOP) and the Association of Administrative Municipal Employees (AAME) have both donated to the "Raise the Flag" campaign.

3. Councilman Abrams asked that the City Manager provide him with information on sub-metering.

4. Councilman Duncan said since the high school students who were on the award winning teams and programs have graduated he would prefer that letters be sent and no attempt is made to have a high school night until next year.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 13-84, were approved as written.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for Executive Session for consultation with legal counsel.

Re: Work Session

The Mayor and Council began their work session on the operating budget.

#### HUMAN RESOURCES

##### RSI (Rockville Seniors Inc.)

Jean Brady addressed the Council and asked that the City provide matching funds for the construction of a vestibule at the Senior Center. \$10,000 was placed on the wish list.

##### Human Rights Activities

Mrs. Mazzetta spoke to the Council and reiterated her requests. She noted that she had spoken with Mrs. Simons concerning working with the Community Housing Resources Board and the New Horizons Program but Mrs. Simons said they are not set up to work together.

##### Senior Citizens Activities

Mr. Schnell, Chairman of the Senior Citizens Commission noted that communications is the most important thing and there is no way a price tag can be placed on that. The Council was briefed on the Sunday dinner program which will be back in place. Big Boy is making arrangements for back door entrance

for our Seniors at a cost of \$4 which is \$2 per participant. The Council made no change in this budget.

#### Youth Services

Councilman Duncan asked if there had been a cut down in Youth Counseling and Mr. Drayton explained that there had been no increase in the need. The Council made no change in this budget.

#### Special Services

The Council discussed the REAP program and asked Mr. Drayton for his thoughts. He explained he has a good deal of additional clientel because of the Summit Apartments relocation. Councilwoman Hovsepian said that is not a REAP function since Artery funds were programmed just for that. The Mayor said the MANNA Food request has been placed on the Wish List, however, he would prefer to see no increase above the \$24,000 for REAP. It is something that should be phased out and not become increased or become a regular part of the budget. Councilman Duncan agreed and said it should be reassessed each year but he sees no need to go beyond the \$24,000.

#### Other Funds

Councilwoman Hovsepian asked that the the sidewalk from Twinbrook to Metro in the Twinbrook section for Metro along Chapman Avenue be added to the CIP and she also asked for additional information on the Rockville United Church site and the results of the survey on children in the area.

Re: Adjournment

There being no further business to come before the Council in work session, the meeting was adjourned at midnight to convene again in work session on Tuesday, June 5, 1984, at 8:00 p.m. or at the call of the Mayor.